WP(C) 3701/2006

BEFORE

THE HON’BLE MR JUSTICE RANJAN GOGOI

Heard Mr. H.K.Mahanta, learned counsel for the petitioner and Mr. D.Saikia, learned Standing Counsel, Health. None has appeared on behalf of Respondent No.5 inspite of due service of notice.

At the relevant point of time the petitioner was working as a lady Health Visitor under the Additional Chief Medical and Health Officer (FW), Bongaigaon. The petitioner submitted a representation for her transfer to any health Centre in Kamurp District on the ground that her mother-in-law aged about 82 years is residing at Uparhali in Kamrup District and she is suffering from old age ailment and is without proper care. On consideration of the said representation, by an order dated 5.6.2006 passed by the Director of Health Services(FW), the petitioner was transferred from Bongaigoan to Uparhali PHC under the Joint Director of Health Services, Kamrup. The Respondent No. 5 who was working in Uparhali PHC was transferred to Bongaigon in place of the petitioner. Pursuant to the said order dated 5.6.2006, the petitioner joined in the Uparhali PHC. Thereafter, by a subsequent order dated 6.7.2006 the transfer of the petitioner and the Respondent No. 5 made by the order dated 5.6.2006 was cancelled. Aggrieved, this writ petition has been filed.

The affidavit filed by the Director of Health Services (FW) on 4.12.2006 does not spell out the reasons for the cancellation made by the impugned order dated 6.7.2006. In fact, in the said affidavit, apart from the statement that the transfer made by the order dated 5.6.2006 was reconsidered at the highest level and thereafter the order-dated 6.7.2006 was passed, there is no further explanation forthcoming. In such circumstances, the Court had required the learned Standing Counsel, Health, to place before the Court the records in original showing the reasons for the impugned cancellation made by the order dated 6.7.2006.

The records relevant to the case have been placed before the Court . A consideration of the said records does not reveal that the cancellation made by the order dated 6.7.2006 was prompted by the needs of administration or any other good and sufficient reason. In fact, the learned Standing Counsel, Health, has fairly submitted that the impugned cancellation is not reflected by the records to be in exigencies of the administration.

In the above view of the matter there will be little hesitation on the part of the Court to interfere with the impugned order dated 6.7.2006 and allow the writ petition. It is ordered accordingly.

It is stated by Shri H.K.Mahanta, learned counsel for the petitioner that salary of the petitioner is outstanding since the month of June, 2006. If that be so, the authority, on due verification, will pass orders enabling the petitioner to receive her due salary.

This will dispose of the writ petition.